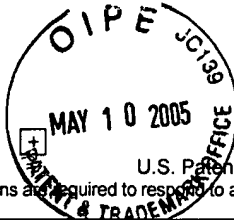


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PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	10/803,055
Filing Date	March 18, 2004
First Named Inventor	Charles GERDAY <i>et al.</i>
Group Art Unit	To Be Assigned
Examiner Name	To Be Assigned
Attorney Docket Number	31601-201282

Total Number of Pages in This Submission

### ENCLOSURES (check all that apply)

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> Fee Transmittal Form                                | <input type="checkbox"/> Assignment Papers<br>(for an Application)                      | <input type="checkbox"/> After Allowance Communication to Group                               |
| <input type="checkbox"/> Fee Attached  | <input type="checkbox"/> Drawing(s)   | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences           |
| <input checked="" type="checkbox"/> Preliminary Amendment                    | <input type="checkbox"/> Licensing-related Papers                                       | <input type="checkbox"/> Appeal Communication to Group<br>(Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final   | <input type="checkbox"/> Petition   | <input type="checkbox"/> Proprietary Information  |
| <input type="checkbox"/> Affidavits/declaration(s)                           | <input type="checkbox"/> Petition to Convert to a Provisional Application               | <input type="checkbox"/> Status Letter  |
| <input type="checkbox"/> Extension of Time Request                           | <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address | <input type="checkbox"/> Other Enclosure(s)<br>(please identify below):                       |
| <input type="checkbox"/> Express Abandonment Request                         | <input type="checkbox"/> Terminal Disclaimer  |   |
| <input type="checkbox"/> Information Disclosure Statement; Form PTO/SB/08A   | <input type="checkbox"/> Request for Refund   |   |
| <input type="checkbox"/> Certified Copy of Priority Document(s)              | <input type="checkbox"/> CD, Number of CD(s) _____                                      |   |
| <input type="checkbox"/> Response to Missing Parts/Incomplete Application    |   |   |
| <input type="checkbox"/> Response to Missing Parts Under 37 CFR 1.52 or 1.53 |   |   |

Remarks

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm  
or  
Individual name

Nancy J. Axelrod  
Reg. No. 44,014

26694

ATENT TRADEMARK OFFICE

Signature

*Nancy Axelrod*

Date

May 10, 2005

### CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450b on this date: \_\_\_\_\_

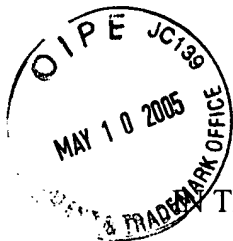
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**VENABLE**  
ATTORNEYS AT LAW

SEND TO: Commissioner for Patents, P. O. Box 1450, Alexandria, 22313-1450.  
#647618



THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Charles GERDAY et al.

Application No.: 10/803,055

Confirmation No.: *Unassigned*

Filed: March 18, 2004

For: COLD-ACTIVE BETA GALACTOSIDASE,  
THE PROCESS FOR ITS PREPARATION  
AND THE USE THEREOF

Art Unit: *Unassigned*

Examiner: *Unassigned*

Atty. Docket No.: 31601-201282

Customer No.

**26694**

PATENT TRADEMARK OFFICE

**PRELIMINARY AMENDMENT**

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Prior to the examination of the above-referenced application on the merits, Applicants request that drawings 1a, 1b, 2, 3, 4, 5, and 6 be entered into the application.

These drawings were part of the parent application, 09/501,136, now U.S. Patent No. 6,727,084, which was incorporated by reference in its entirety when filing the present divisional application.

A telephone conversation on May 10, 2005 with Ms. Kenya McLaughlin, a Petitions attorney in the PTO Office of Petitions, confirmed our understanding that the drawings should, in fact, have been considered as being part of the originally filed divisional application, given that the drawings were incorporated by reference in that application. Examiner McLaughlin pointed out that the

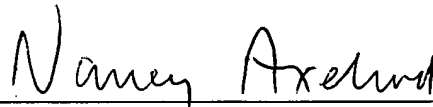
Application No. 10/803,055  
Applicants: Charles GERDAY *et al.*

Notice of Incomplete Provisional Application mailed on March 16, 2005 should never have been issued with regard to the drawings. It is respectfully requested that the aforementioned be confirmed of record and that the application, including the drawings, be given the filing date of March 18, 2004.

If there are any questions regarding this matter, the Examiner is cordially invited to contact the undersigned.

Respectfully submitted,

Date: May 10, 2005



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